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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,922	01/29/2004	Yukihiro Mori	122.1579	2654
21171	7590	07/28/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			COLILLA, DANIEL JAMES	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/765,922

Applicant(s)

MORI ET AL.

Examiner

Daniel J. Colilla

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2004 and 22 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 9-11 and 13-17 is/are rejected.
- 7) ☒ Claim(s) 4-8, 12 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/29/04, 6/22/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

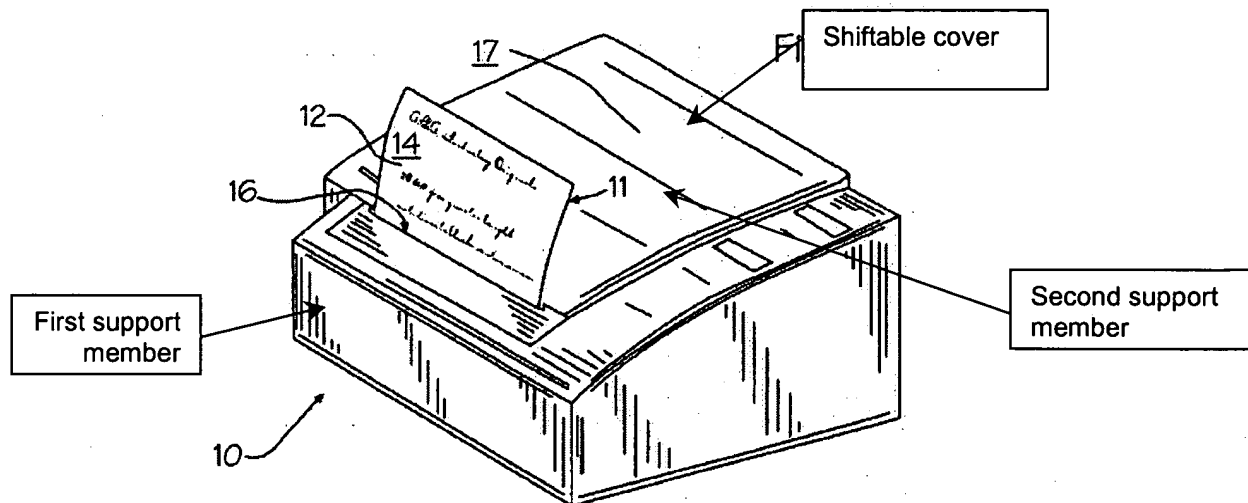
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 11 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker (US 5,749,277).

With respect to claims 1 and 14, Walker discloses a printer and cutter including a printing section (not shown) which is inherent in a printer and a cutting section 72a,40 arranged downstream of the printing section; the cutting section including a fixed blade 72a and a movable blade 40 which cooperate with each other to cut the printing paper 14 as shown in Figures 2-3 of Walker. The blades are shiftable relative to each other between a cooperative mutually-adjoining position shown in Figure 2 of Walker and an uncooperative mutually-remote position (not shown) when the pivotable cover 17 is located in the open position.

Further disclosed is a support mechanism for supporting the printing section and the cutting section 72a,40. The support mechanism includes a first support member (as shown in the below Figure taken from Figure 1 of Walker) for supporting the fixed blade 72a and a second support member 17 for supporting the movable blade 40 as shown in Figure 2 of Walker.



The first support member fixedly specifies an operative printing point in said printing section and the second support 17 is shiftable arranged (pivotable, Walker, col. 3, line 8-10) relative to the first support member. Walker further discloses a drive source 29, for moving the movable blade 40, mounted on the first support member as shown in Figure 2 of Walker.

With respect to claims 2 and 16, Walker discloses a supplying section (shown encasing paper roll 15 in Figure 2) for receiving a printing paper 15 in a continuously feedable manner as shown in Figure 2 of Walker. The first support member is associated with a stationary base 19 as shown in Figure 2 of Walker. The second support member is associated with a shiftable cover as shown in Figures 1 and 2 of Walker. Figure 2 of Walker shows that the stationary base and shiftable cover are joined relatively shiftable at hinges 18 thus forming a paper receiving section in the supply section.

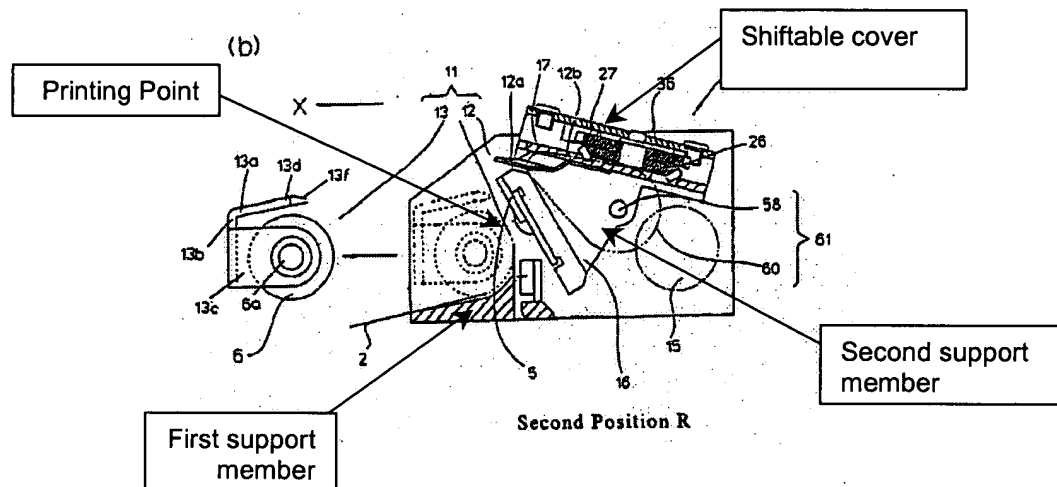
With respect to claim 11, Walker discloses a movable blade guide 74 as shown in Figure 3 of Walker.

With respect to claim 15, although Walker does not show the details of the printing section, a printer inherently has a printing point. Thus the first support member is capable of being fixedly arranged to specify an operative printing point in said printing section since the printer can be operated.

3. Claims 1, 3, 13-15 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujiwara (US 6,831,670).

With respect to claims 1 and 14-15, Fujiwara discloses a printer and cutter including a printing section 5 and a cutting section 12,13 arranged downstream of the printing section; the cutting section including a fixed blade 13 and a movable blade 12 which cooperate with each other to cut the printing paper 2 as shown in Figure 1 of Fujiwara. The blades are shiftable relative to each other between a cooperative mutually-adjoining position shown in Figure 4(a) of Fujiwara and an uncooperative mutually-remote position shown in Figure 4(b) of Fujiwara.

Further disclosed is a support mechanism 4 for supporting the printing section 5 and the cutting section 12,13. The support mechanism 4 includes a first support member (as shown in the below Figure taken from Figure 4(b) of Fujiwara) for supporting the fixed blade 13 and a second support member 16 for supporting the movable blade 12 as shown in Figures 4(a)-4(b) of Fujiwara.



The first support member fixedly specifies an operative printing point in said printing section and the second support 16 is shiftably arranged (pivotable on pivot 58) relative to the first support member. Fujiwara further discloses a drive source 15 mounted on the first support member, as shown above, for moving the movable blade 12 of the cutting section 12,13 (Fujiwara, col. 7, lines 54-58).

With respect to claims 3 and 17, Fujiwara further discloses a power transmission mechanism 21, 23, 26, 27, 28, 29, 30, and 31 for transmitting the driving force of said drive source 15 to the movable blade 12. The power transmission mechanism includes a first gear train 21, 23, 25 disposed on the first support member and connected with the drive source 15 as shown in Figure 5 of Fujiwara and a second gear train 26, 27, 28, 29, 30, and 31 disposed on the second support member and connected with the movable blade 12 (Fujiwara, col. 13, lines 9-16). The gear trains are connected at gears 25 and 26 as shown in Figure 7 of Fujiwara when the fixed blade 13 and the movable blade 12 are in their mutually adjoining position. The gear trains are disconnected when the fixed and movable blades are separated to their mutually-remote position (Fujiwara, col. 13, line 67, col. 14, lines 1-4).

With respect to claim 13, the fixed blade 13 is located upstream of the movable blade in the paper feeding direction as shown in Figures 1 and 3 of Fujiwara.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara (US 6,831,670) as applied to claim 1 above, and further in view of Naitou (US 6,503,009).

Fujiwara discloses the claimed printer except for the sensor and controller. However, Naitou teaches a sensor for detecting if the movable blade 3 is in its home position and a controller 21 for controlling a motor 9 based upon the detected results (Naitou, col. 6, lines 62-67 and col. 7, lines 1-2). It would have been obvious to combine the teaching of Naitou with the printer disclosed by Fujiwara for the advantage of automatically moving the movable blade to a home position in case there is a printing paper jam (see abstract of Naitou).

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara (US 6,831,670) as applied to claim 1 above, and further in view of Bertalan et al. (US 6,155,731).

Fujiwara discloses the claimed printer except for the pushing member. However, Bertalan et al. discloses a cutting device in a printer with a fixed blade 15a' pushed against a movable blade 150' by pushing member 190' as shown in Figure 14a of Bertalan et al. It would have been

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obvious to combine the teaching of Bertalan et al. with the printer disclosed by Fujiwara for the advantage of the self-aligning feature provided by the spring (Fujiwara, col. 8, lines 54-56).

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara (US 6,831,670) as applied to claim 1 above, and further in view of Tsuchiya et al. (US 20030198499).

Fujiwara discloses the claimed printer except for the movable blade guide. However, Tsuchiya et al. teaches a movable blade guide 35 for a movable blade 34 in cutter in a printer as shown in Figure 1 of Tsuchiya et al. It would have been obvious to combine the teaching of Tsuchiya et al. with the printer disclosed by Fujiwara for the advantage of ensuring that the movable blade correctly comes into contact with the fixed blade.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Song is cited to show another example of a printer with fixed and movable cutting blades supported on first and second supports respectively.

***Allowable Subject Matter***

9. Claims 4-8, 12 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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10. The following is a statement of reasons for the indication of allowable subject matter:

Claims 4 and 18 have been indicated as containing allowable subject matter primarily for the elastic member for biasing the movable blade on the second support member toward a retraction position.

Claims 5-6 have been indicated as containing allowable subject matter primarily for the pair of pinions disposed alongside opposite lateral ends of the movable blade.

Claim 7 has been indicated as containing allowable subject matter primarily for the third gear train disposed on the first support member that is substantially identical with the first gear train and a fourth gear train disposed on the second support member.

Claim 8 has been indicated as containing allowable subject matter primarily for the paper feed roller disposed on the second support member.

Claim 12 has been indicated as containing allowable subject matter primarily for the movable guide disposed on the first support member.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Colilla whose telephone number is 571-272-2157. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on 571-272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 26, 2005



Daniel J. Colilla  
Primary Examiner  
Art Unit 2854